

COMMITTEE ON ENERGY AND COMMERCE OVERSIGHT PLAN

U.S. HOUSE OF REPRESENTATIVES

109TH CONGRESS

CONGRESSMAN JOE BARTON, CHAIRMAN

Rule X, clause 2(d) of the Rules of the House requires each standing Committee to adopt an oversight plan for the two-year period of the Congress and to submit the plan to the Committees on Government Reform and House Administration not later than February 15 of the first session of the Congress.

This is the oversight plan of the Committee on Energy and Commerce for the 109th Congress. It includes the areas in which the Committee expects to conduct oversight during the 109th Congress, but does not preclude oversight or investigation of additional matters as the need arises.

**COMMERCE, TRADE, AND CONSUMER PROTECTION
ISSUES**

**THE FEDERAL TRADE COMMISSIONS CONSUMER
PROTECTION EFFORTS**

In the 109th Congress, the Committee will review the management, operations, rulemaking, and enforcement actions of the Federal Trade Commission (FTC). In particular, the Committee will review Commission activity with regard to franchises, business opportunities, telemarketing and identity theft, as well as actions regarding false and deceptive advertising in safeguarding consumers.

CONSUMER PRODUCT SAFETY

In the 109th Congress, the Committee will review the management, operations, and activities of the Consumer Product Safety Commission (CPSC) in safeguarding consumers, and particularly children, from faulty or dangerous products. This may include review of the adequacy of the CPSC's authority and data gathering and dissemination efforts with respect to products within its jurisdiction, and other activities that enhance consumer product safety, such as safety standard organizations.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

In the 109th Congress, the Committee will review the management, operations, and activities of the National Highway Traffic Safety Administration, particularly as they pertain to motor vehicle-related safety.

INTERSTATE AND E-COMMERCE

In the 109th Congress, the Committee will examine issues that substantially impact or affect interstate commerce, with particular interest in activities that impede such commerce. The Committee will review consumer information privacy in the commercial context. The Committee also will examine impediments to electronic commerce, including state legal and regulatory impediments. In addition, the Committee will review and consider issues relating to private-sector cyber security, fraud, and other criminal issues confronting e-commerce.

TRADE

In the 109th Congress, the Committee will monitor and examine both multilateral trade agreements (including World Trade Organization agreements) and bilateral agreements as those agreements relate to services within the Committee's jurisdiction – including telecommunications, electronic commerce, food and drugs, and energy. The Committee also will examine non-tariff trade barriers, such as legal and regulatory barriers, to electronic commerce and other services within the Committee's jurisdiction.

TRAVEL AND TOURISM

In the 109th Congress, the Committee will review issues affecting the travel and tourism industries, as well as how the industries, along with Federal and state governments, can encourage and promote the United States as a travel destination for international and domestic passengers.

SPORTS

In the 109th Congress, the Committee will examine issues in the commerce of professional and amateur sports, including the National Collegiate Athletic Association (and the recruiting of athletes). The Committee will also examine the abuse of steroids by amateur and professional athletes.

ENERGY AND AIR QUALITY ISSUES

NATIONAL ENERGY POLICY

During the 109th Congress, the Committee will examine issues relating to national energy policy, including U.S. policies that relate to production, supply, and consumption of electricity, oil and natural gas, coal, hydroelectric power, nuclear power, and renewable energy. The Committee will examine the impact of government policies and programs on the exploration, production, and development of domestic energy resources. The Committee also will examine global crude oil supplies in light of potential supply interruptions, and increasing competition from other countries for swing supply. The Committee will examine other

issues relating to the nation's current energy infrastructure with a view towards its expansion.

ELECTRICITY MARKETS

In the 109th Congress, the Committee will review electricity transmission policies of the Federal government to promote competitive wholesale power markets, transmission, and generation infrastructure upgrades, and compliance with relevant statutes. It will examine the activities of the Federal Energy Regulatory Commission (FERC) relating to electric industry restructuring, protection of consumers, and the development of efficient and vigorous wholesale markets for electricity.

MANAGEMENT OF THE DEPARTMENT OF ENERGY AND ITS NATIONAL LABORATORIES

The Committee will oversee management and operations issues at the Department of Energy (DOE), including management and operations of the National Nuclear Security Administration (NNSA) and the national laboratories. The Committee will also review DOE management of the contractors that operate the national laboratories. The Committee's oversight work will include a review of the implementation of new nuclear security requirements at NNSA and DOE facilities, ongoing safety and security problems at the Los Alamos National Laboratory, the Office of Environmental Management's accelerated cleanup program and high-level waste management efforts, and DOE's progress toward submitting a license application for Yucca Mountain.

THE NUCLEAR REGULATORY COMMISSION

The Committee will review the activities of the Nuclear Regulatory Commission (NRC). The Committee will examine NRC's budget requests, conduct oversight of how the Commission discharges its various responsibilities, and review whether the Commission is an effective regulator of nuclear facilities. In particular, the Committee will monitor closely the efforts of NRC to fully implement new security requirements at commercial nuclear power plants.

CLEAN AIR ACT

In the 109th Congress, the Committee will review significant activities regarding the Clean Air Act and the success of various efforts in achieving improved air quality in a manner that allows both administrative flexibility and improved cost-effectiveness. The Committee's review will include oversight of the Environmental Protection Agency's (EPA) strategies and actions to attain Clean Air Act standards.

ENVIRONMENT AND HAZARDOUS MATERIALS ISSUES

EPA MANAGEMENT AND OPERATIONS

During the 109th Congress, the Committee intends to conduct its general oversight of the EPA, including review of the agency's funding decisions, resource allocation, grants, research activities, enforcement actions, relations with State and local governments, and program management and implementation.

HAZARDOUS AND TOXIC WASTES

In the 109th Congress, the Committee will review the efficiency, effectiveness, funding, and pace of progress of the Superfund program. The Committee will review the EPA's relationship to the States' toxic waste cleanup programs, and whether Federal program reforms, additional funding, or stronger enforcement under the Resource Conservation and Recovery Act are necessary to expedite cleanups at toxic waste sites. The Committee will conduct and review global hazardous materials treaties which the United States is a signatory and monitor compliance of these agreements with Federal and state environmental laws and regulations.

DEPARTMENT OF DEFENSE COMPLIANCE WITH ENVIRONMENTAL LAWS

The Committee will review DOD's environmental activities and ascertain its record of clean-up effectiveness, ongoing monitoring, and compliance with Federal and state environmental laws and regulations.

HEALTH AND HEALTHCARE ISSUES

FOOD AND DRUG ADMINISTRATION

In the 109th Congress, the Committee will review the management, operations, and activities of the Food and Drug Administration (FDA), including its implementation of relevant statutes and regulations connected to its mission to ensure the safety of drugs and the food supply. This will include the review of issues connected to the approval process and post-market surveillance of drugs and medical devices, as well as issues surrounding the innovation and development of vaccines, drugs, and devices.

CENTERS FOR MEDICARE AND MEDICAID SERVICES

In the 109th Congress, the Committee will review the management, operations, and activity of the Centers for Medicare and Medicaid Services (CMS), including its management and oversight of the programs it administers. The Committee will also examine and review Medicare and Medicaid management and activity as it relates to ongoing Committee efforts to prevent waste, fraud, and abuse in federal health care programs.

CENTERS FOR DISEASE CONTROL AND PREVENTION

In the 109th Congress, the Committee will review the management, operations, and activity of the Centers for Disease Control and Prevention, with particular focus on its work relating to surveillance and prevention of disease outbreaks.

NATIONAL INSTITUTES OF HEALTH

In the 109th Congress, the Committee will examine the National Institutes of Health's (NIH) organizational structure, priority setting, and research activities. This effort will include oversight of management and operations of internal NIH programs as well as NIH-funded extramural research.

TELECOMMUNICATIONS ISSUES

FEDERAL COMMUNICATIONS COMMISSION

During the 109th Congress, the Committee will conduct its oversight of Federal Communications Commission (FCC) management and operations, including the impact of its decisions and actions on the U.S. economy and economic growth.

AVAILABILITY OF BROADBAND TECHNOLOGIES

In the 109th Congress, the Committee will examine the availability of broadband technologies and the deployment of broadband services and facilities. The Committee will also evaluate the impact of the Communications Act and FCC regulations on the deployment of new technologies, services, and facilities, and whether the law and the regulations are maximizing the incentives that all entities have to make investments in broadband networks.

UNIVERSAL SERVICE REFORM

In the 109th Congress, the Committee will examine the FCC's universal service support policies and evaluate how these policies can be modernized to reflect the redistribution of communications traffic among new communications mediums, as well as the efficacy of utilizing fixed and mobile wireless technologies to reduce the costs of ensuring that high cost and low income consumers have reasonable access to telecommunications services. The Committee will also review whether the program's structure and internal processes need to be changed to control waste, fraud and abuse of Universal Service funds.

DIGITAL TELEVISION

Congress gave each broadcaster an additional 6 MHz allocation of spectrum in 1997 to transmit television in digital format while they continue to provide analog broadcasts on their original 6 MHz channels.

Each television broadcast licensee is supposed to return a 6 MHz channel and transmit exclusively in digital by Dec. 31, 2006, or once 85 percent of television households in the market can receive digital channels, whichever is later. Some of that spectrum has been earmarked for public-safety use upon return and some for auction for advanced commercial services, such as wireless broadband. In the 109th Congress, the Committee will examine the Commission's progress in completing the DTV transition.

ENFORCEMENT OF THE FCC'S DECENCY REGULATIONS

During the 109th Congress, the Committee will conduct its oversight of the FCC's enforcement of broadcast decency laws and regulations, including examining how Congress and the FCC can help broadcasters to reduce the level of indecent material on television and radio.

SPECTRUM MANAGEMENT

During the 109th Congress, the Committee will conduct its oversight of the FCC's management of the nation's spectrum. An increasing portion of communications services utilize spectrum to provide voice, video, and data services to consumers. The Committee will evaluate the FCC's spectrum-management policies to ensure that such policies are maximizing the use of the public airwaves for innovative communications services.

HOMELAND SECURITY ISSUES

CRITICAL INFRASTRUCTURE ASSURANCE ACTIVITIES

In the 109th Congress, the Committee intends to review infrastructure assurance efforts that affect areas within the Committee's jurisdiction.

NUCLEAR SMUGGLING

In the 109th Congress, the Committee will monitor Federal government and private sector efforts at border crossings, seaports, and mail facilities. The Committee's review will analyze and assess Customs' and DOE's efforts and equipment aimed at detecting and preventing the smuggling of dangerous commerce, particularly nuclear and radiological weapons of mass destruction.

BIOTERRORISM PREPAREDNESS AND RESPONSE

In the 109th Congress, the Committee will review the implementation of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 by the Department of Health and Human Services (HHS), and the coordination between HHS and the Department of Homeland Security with respect to setting priorities and goals for bioterrorism-related research and preparedness activities.

PUBLIC SAFETY COMMUNICATIONS OPERATIONS

During the 109th Congress, the Committee will examine whether the communications needs of first responders are being met. The Committee will examine the progress being made to ensure that first responders have interoperable communications capabilities with local, state, and federal public safety officials. The Committee will also consider whether first responders have an adequate amount of spectrum for voice, video, and data transmissions. In addition, the Committee will conduct oversight regarding the implementation of Phase II E911 services, which enable Public Safety Answering Points (PSAPs) to pinpoint the location of wireless subscribers who dial 911.

IMPLEMENTATION OF GOVERNMENT-WIDE CYBER SECURITY PROGRAM

The Homeland Security Act of 2002 included a separate legislative provision entitled the Federal Information Security Management Act, which reauthorized and enhanced a government-wide cyber security program under the direction of the Office of Management and Budget (OMB). During the 109th Congress, the Committee will review efforts to ensure that Federal agencies are complying with the cyber security provisions of the new Homeland Security Act.

MISCELLANEOUS ISSUES

UNITED NATION'S OIL FOR FOOD PROGRAM

In the 109th Congress, the Committee will conduct its investigation of the United Nation's Oil for Food Program.

FEDERAL AGENCY MANAGEMENT

As part of the Committee's oversight responsibilities generally and as an expansion of its review of conflict-of-interest policies in particular, the Committee will examine ethics policies and practices at Federal agencies and commissions within the Committee's jurisdiction. The Committee will also examine agency procurement practices and contracts, as well as agency implementation of laws and regulations. The Committee will also review agency risk assessment practices and implementation of the Data Quality Act.